

CONSTRUCTION
INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PRESCOTT

JPA #92-51
A.G.Cont.#KR92-1864-TRN
Proj#HX01101C
F-029-1-610
Section:69-YV-293
Traffic Signals

THIS AGREEMENT, entered into pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the CITY OF PRESCOTT, hereinafter called "CITY",

WHEREAS, the STATE is empowered by A.R.S. Section 28-108 to enter into this Agreement and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of the STATE,

WHEREAS, The CITY is empowered by A.R.S. Section 48-572 to enter into this Agreement, and acting by and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of said CITY,

WHEREAS, for the safety and protection of the traveling public, it is necessary and desirable that certain improvements and/or modifications be made on the State Highway System in the CITY. This work shall consist of the installation of new traffic signals and/or highway lighting at the following location:

SR 69 at Walker Road
MP 293 - City of Prescott
69 YV 293 HX 011 01C F-029-1-610

NOW, THEREFORE, in consideration of the mutual covenants hereinafter to be kept by all parties, it is mutually agreed as follows:

1. The CITY shall design the traffic signals and/or highway lighting on SR 69 at Walker Road, MP 293 in the City of Prescott.

2. The CITY, upon completion of the work, shall reimburse the STATE for 1/3 (estimated at \$26,667) of the final construction and engineering costs on SR 69 at Walker Road, MP 293, in the City of Prescott.

3. The STATE shall furnish all materials and construct the signals on SR 69 at Walker Road, MP 293, in the City of Prescott.

4 This Agreement shall be considered as terminated when all conditions as set forth herein have been complied with and the traffic signals and/or highway lighting are complete, in place, and functional.

5. This Agreement may be cancelled in accordance with A.R.S. Section 38-511.

6. The provisions of A.R.S. §35-214 are applicable to this Agreement.

7. In the event of a dispute, the parties agree to use arbitration to the extent required by A.R.S. §12-1518.

8. This Agreement shall be filed with the Secretary of State and shall become effective upon filing.

9. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that the CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

BY:

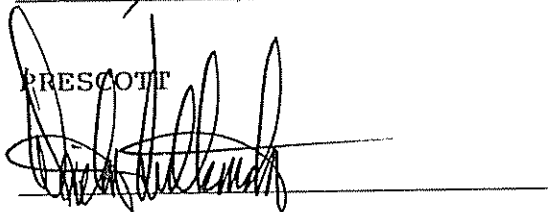

State Traffic Engineer

DATE:

July 21, 1992

CITY OF PRESCOTT

BY:




TITLE:

MAYOR

DATE:

JULY 17, 1992

ATTEST:


City Clerk

APPROVED

BY THE COUNCIL

City Clerk M. Watson

Date 7/14/92

Res. No. 2492

#92-53

EXHIBIT "A"

RESOLUTION NO. 2492

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, RESCINDING RESOLUTION NUMBER 2481, AND AUTHORIZING THE CITY OF PRESCOTT TO ENTER INTO ANOTHER INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR A TRAFFIC SIGNAL ON SR 69, MILEPOST 293, AND AUTHORIZING THE MAYOR AND STAFF TO TAKE ANY AND ALL STEPS NECESSARY TO ACCOMPLISH THE ABOVE.

WHEREAS the Arizona Department of Transportation assists in the construction of traffic signals on state roadways within municipalities; and

WHEREAS a portion of State Route 69 is located within the corporate limits of the City of Prescott; and

WHEREAS the parties have deemed it to be in the public interests for a traffic signal to be placed on State Route 69 at Milepost 293; and

WHEREAS the parties have previously entered into an intergovernmental agreement for the City to construct the foregoing signal, with reimbursement to the City by ADOT; and

WHEREAS the parties wish to rescind the foregoing IGA, and enter into a new IGA providing for ADOT to construct the foregoing signal, with reimbursement to be made by the City to ADOT.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT AS FOLLOWS:

Section 1. THAT Resolution Number 2481, which approved a certain Intergovernmental Agreement between the City of Prescott and ADOT is hereby rescinded.

Section 2. THAT the City of Prescott hereby approves the attached Intergovernmental Agreement with the Arizona Department of Transportation for the construction of a traffic signal on SR 69 at Milepost 293, attached hereto as Exhibit "A".

Section 3. THAT the Mayor and Staff are hereby authorized to execute the attached Intergovernmental Agreement and to take any and all steps deemed necessary to accomplish the above.

EXHIBIT "B"

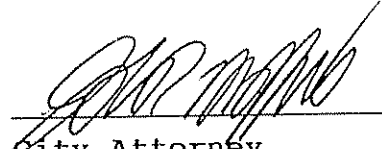
APPROVAL OF THE ATTORNEY

I hereby state that I have reviewed the proposed Construction Intergovernmental Agreement between the State of Arizona, ARIZONA DEPARTMENT OF TRANSPORTATION, and the CITY OF PRESCOTT and declare the Agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 17 day of JULY, 1992

CITY OF PRESCOTT

BY: _____


City Attorney

CONSTRUCTION - TRAFFIC SIGNALS


69 YV 293 HX 011 01C F-029-1-610

SR 69 at Walker Road - MP 293

CITY OF PRESCOTT

RESOLUTION

BE IT RESOLVED on this 2nd day of June, 1992, that I, CHARLES E. COWAN, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interest of the State of Arizona that the ARIZONA DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into a Construction Intergovernmental Agreement with the CITY OF PRESCOTT for the installation of traffic signals and/or highway lighting approved on the basis of a traffic signal needs study. The STATE shall furnish all materials and construct the traffic signals. The CITY shall design the traffic signals and reimburse the STATE for 1/3 (estimated at (\$26,667) of the final construction and engineering costs for its share of the cost of this work. THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Traffic Engineer.



For CHARLES E. COWAN, DIRECTOR
ARIZONA DEPARTMENT OF TRANSPORTATION



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007

GRANT WOODS
ATTORNEY GENERAL

MAIN PHONE : 542-5025
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INTERGOVERNMENTAL AGREEMENT

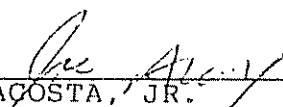
DETERMINATION

A. G. Contract No. KR92- 1864-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 13 day of August, 1992.

GRANT WOODS
Attorney General



JOE ACOSTA, JR.
Assistant Attorney General
Transportation Section